

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ABU-ALI ABDUR' RAHMAN)	
)	
v.)	No. 3:96-0380
)	JUDGE CAMPBELL
RICKY BELL, Warden)	DEATH PENALTY

ORDER


Pending before the Court are certain reopened prosecutorial misconduct claims originally brought in Petitioner's Amended Petition For A Writ Of Habeas Corpus In A Capital Case (Docket No. 42). The Petitioner has filed briefs supporting the claims (Docket Nos. 330, 332), and the Respondent has filed briefs in response. (Docket Nos. 331, 333).

The parties rely on the existing record in making their arguments, and the Court finds oral argument unnecessary. The Court has reviewed the pleadings and briefs filed by both parties, the record of Petitioner's underlying conviction, and the entire record in this case. For the reasons set forth in the accompanying Memorandum, the Court concludes that the Petitioner's pending claims are without merit, and are dismissed.

This Order shall constitute the judgment in this case pursuant to Fed. R. Civ. P. 58.

Should the Petitioner give timely notice of an appeal from this Order and accompanying Memorandum, such notice shall be treated as an application for a certificate of appealability, 28 U.S.C. 2253(c), which will not issue because the Petitioner has failed to make a substantial showing of the denial of a constitutional right. Castro v. United States, 310 F.3d 900 (6th Cir. 2002).

It is so ORDERED.


TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE